WP(C) 3969/2007

BEFORE

THE HON'BLE MR JUSTICE IA ANSARI

Heard Mr. A Roshid, learned counsel for the petitioner, and Mr. PK Roy, learned Senior Government Advocate, appearing on behalf of the respondent Nos. 1, 2 and 3. Heard also Mr. S Ali, learned counsel, appearing on behalf of the caveator/respondent No.5. The caveat shall accordingly stand discharged.

By a Notice Inviting Tender (NIT), dated 17-04-2007, the respondent No. 4, namely, Chairman, Barpeta Zilla Parishad, Barpeta, invited tender for settlement of Goroimari Baniarapara Bazar for the year 2007-08. Besides some others, the petitioner and respondent No.5 submitted their tender. The petitioner's grievance, in the writ petition, is that though he is the highest bidder and the Government value of the said market is Rs. 1,59,000/-, respondent Nos. 3 and 4 have recommended the case of the respondent No.5 for settlement of the said market at the offered amount of Rs. 1,51,000/-. It is also the grievance of the writ petitioner is that though the Government has not, in terms of the Assam Panchayat (Financial) Rules, 2002, accorded approval to the recommendations made by respondent Nos. 3 and 4, these respondents have, by the impugned order, dated 31-07-2007 (Annexure-6 to the writ petition), granted provisional settlement of the said market in favour of the respondent No.5, with effect from 01-08-2007 to 31-07-2007.

In view of the fact that the State Government has not accorded approval to the recommendation made by the respondent Nos. 3 and 4 making settlement in favour of the respondent No.5, the State respondents ought not to have made any settlement order, provisional or otherwise, in favour of the respondent No.5.

Considering, however, the matter in its entirety and in the interest of justice, while the impugned order, dated 31-07-2007, is not interfered with, the State respondents, particularly, the respondent Nos. 3 and 4 are hereby directed not to make any settlement, provisional or otherwise, in respect of the said market without order(s) having been passed, in the matter, by the State Government, in accordance with law. No further extension of the provisional settlement shall be granted in favour of the respondent No.5 and, if required, the respondent Nos. 3 and 4 may run the said market on day to day basis by engaging their own officials and employees until the State Government takes decision in the matter of settlement. The respondent Nos. 1 and 2 are hereby directed to take a decision in the matter within a period of two weeks from the date of receipt of a certified copy of this order by the respondent No.1. The petitioner shall furnish, to the respondent Nos. 1 and 2, a certified copy of this writ petition and copies of the writ petition and annexures thereto.